

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

MARIA DE LOS ANGELES PAZ and
PAUL PETIT, individually
and on behalf of all persons
similarly situated,

Plaintiffs

V.

CIVIL ACTION NO.

ALEJANDRO MAYORKAS, in his
official capacity as Secretary
of the United States
Department of Homeland
Security,

Defendant

MOTION FOR CLASS CERTIFICATION

COME NOW Maria de los Angeles Paz and Paul Petit, by counsel, pursuant to Rules 23(a) and (b)(2) of the Federal Rules of Civil Procedure, and move this Court to certify them as the representatives of a class consisting of all persons who have paid or will pay a biometrics fee of \$85.00 to United States Citizenship and Immigration Services (USCIS), and did not have or will not have those biometrics fees returned to them after USCIS determines they are not needed, and in support of such Motion would show:

I.

Over 500,000 people per year pay biometrics fees to USCIS, and over 100,000 people per year are subsequently advised by

USCIS that the fee was not needed, but will not be returned. The proposed class is therefore so numerous that joinder of all members is impracticable.

II.

There are questions of law and fact common to the class, and the claims of the representative plaintiffs are typical of the claims of the class, because all members of the class have been, or will be treated in the same manner by the same defendant.

III.

The representative plaintiffs will fairly and adequately protect the interests of the class because they have been treated the same as the members of their class, have no conflict with the members of their class, and are represented by competent and experienced counsel.

IV.

The defendant has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole, in that he continues to withhold unnecessary biometrics fees paid by Plaintiffs and the class members.

V.

Plaintiffs rely on this Motion, their Memorandum in Support

of Motion for Class Certification, the Affidavit of Richard S. Fischer in Support of Class Certification, and Plaintiffs' Complaint, all of which have been filed together and are incorporated herein by this reference. Plaintiffs also rely on the information to be learned through discovery and evidence to be introduced at the evidentiary hearing.

VI.

Plaintiffs request an in-person evidentiary hearing pursuant to Local Rule 6(g).

Respectfully submitted,

/s/

RICHARD S. FISCHER
State Bar No. 07043100

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